

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SEIU HEALTHCARE PENNSYLVANIA, :
CTW, CLC, :

Plaintiff :

v. :

REGIONAL HOSPITAL
OF SCRANTON, :

Defendant :

3:13-CV-02669
(JUDGE MARIANI)

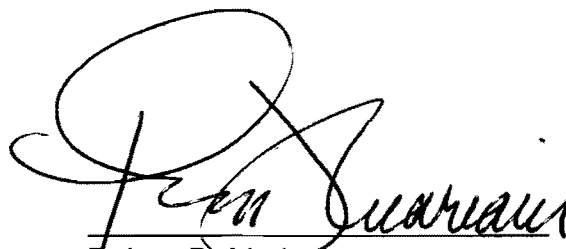
ORDER

AND NOW THIS 15TH DAY OF MAY, 2015, upon consideration of the motions for summary judgment of Plaintiff, SEIU Healthcare Pennsylvania CTW, CLC (Doc. 24) and of Defendant, Regional Hospital of Scranton (Doc.25) and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. The motion for summary judgment of Plaintiff, SEIU, is **GRANTED** and the motion for summary judgment of Defendant, Regional Hospital, is **DENIED**.
2. The Buchheit Arbitration Award (Doc. 24-3) which directs that the Regional Hospital shall reinstate the Grievant to her former position with full-seniority is **ENFORCED**.
3. With respect to Plaintiff's request for back-pay, the question of whether the Grievant is owed back pay from an as yet unascertained date when, but for the Hospital's failure to reinstate her, she would have returned to work, is **REMANDED** to Arbitrator

Buchheit for a determination. The Award reinstating Roberta Robbins is valid and not open to review or revisitation on remand to the Arbitrator.

4. The Court holds the Union's request for pre-judgment interest in abeyance pending the decision of Arbitrator Buchheit on remand. The parties are directed to present the issue of pre-judgment interest to the Court within **14 days** after the issuance of Arbitrator's Buchheit's award on remand.
5. A ruling on the Plaintiff's Motion for Attorney's Fees is **DEFERRED** until Arbitrator Buchheit, on remand, issues a final award on the limited issue of the Grievant's entitlement to back pay.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge